

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

February 8, 2011

239 Causeway Street

2nd Floor, Room 206

Boston, Massachusetts

Board Members

Present

Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D; Donald Accetta, M.D., M.P.H.; Joanne Trifone, R.Ph.

Board Members

Absent

George Cayer, R.Ph.; Kathy Fabiszewski, Ph.D, N.P.; Steven Budish

Staff Present

James D. Coffey, R.Ph. Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Intern Eamonn Murphy, Northeastern University

1. 8:30 a.m. **CALL TO ORDER**
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. **REVIEW/ADOPTION OF BOARD MINUTES**
Motion Walczyk/Ryle to approve August 2010 and October 2010 Minutes.
Approved
- 3: 8:40 a.m. **APPLICATIONS - Pharmacy/Wholesale Distributor Applications**
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino

New - Community Pharmacy

CVS 4313, 438 Route 28, West Yarmouth

Change of Manager

CVS 38, 142 Worcester Road, Charlton (DS3510)

CVS 1011, 311 Newbury Street, Danvers (DS3537)

CVS 1860, 101 Central Street, Holliston (DS1746)

CVS 0023, 241 Lincoln Avenue, Haverhill (DS3965)

CVS 2161, 302 Main Street, Oxford (DS2832)

CVS 4471, 600 State Street, Springfield (DS3552)

CVS 657, 400 Park Avenue, Worcester (DS89715)

Rite Aid 10159, 330 River Street, Cambridge (DS3102)

Target Pharmacy T 2292, 2121 Cranberry Highway, Wareham (DS3546)

Wal-Mart Pharmacy 10 2904, 700 Oak Street, Brockton (DS2977)

Wal-Mart Pharmacy 10 2180, 55 Brooksby Village Way, Danvers (DS2874)

Wal-Mart Pharmacy 10 2095, 3005 Cranberry Highway, East Wareham (DS2738)

Wal-Mart Pharmacy 10 3409, 20 Soojian Drive, Leicester (DS3506)

Wal-Mart Pharmacy 10 2964, 11 Jungle Road, Leominster (DS3588)

Wal-Mart Pharmacy 10 2640, 440 Highland Avenue, Salem (DS2813)

Relocation -Community Pharmacy

CVS 995, 2 Millstones Commons, Millis from 30 Millstones Commons, Millis (DS1665)

Community Pharmacy Closing

CVS 1245, 390 Pleasant Street, Brockton, (DS1958)

Motion Ryle/Walczyk to approve applications

Recusals DeVita and Tocco for all CVS

Approved

4. 8:45 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Introduction of NEU Board Intern (APPE) Eamonn Murphy

- Board Dispositions

5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, R.Ph., Supervising Investigator;

James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,

Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A.

McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-20110036 Michelle Irene Parker PT12460	Motion DeVita/Trifone to issue <i>Temporary Order of Summary Suspension</i> if Voluntary Surrender not received Approved
2	SA-INV-1462 Pallimed Solutions DS3498	Motion DeVita/Ryle to Dismiss – No Violation Approved
3	PHA-2011-0027 Lindsay Maloney PT9074	Motion DeVita/Trifone to issue <i>Temporary Order of Summary Suspension</i> if Voluntary Surrender not received Approved
4	PHA-2011-0016 Christine Snyder PT12329	Motion Ryle/DeVita to accept Voluntary Surrender Approved
5	PHA-2010-0220 Biogen Idec Inc. WD464	Motion Walczyk/DeVita to Dismiss with Advisory Letter regarding timely renewal Approved
6	PHA-2011-0017 Parth E. Sethi PT12929	Motion Ryle/DeVita to <i>issue Temporary Order of Summary Suspension</i> if Voluntary Surrender is not received Recused: Trifone not present for vote or discussion Approved
7	PHA-2011-0004 Georgina J. Elbaba PH24465	Motion DeVita/Ryle to Dismiss with Advisory Letter with 2 Continuing Education Credits (CEs) in Medication Error Prevention Recused: Trifone not present for vote or discussion Approved
8	PHA-2011-0032 Illusion P. Montanez PT13218	Motion Trifone/Ryle to issue <i>Temporary Order of Summary Suspension</i> if Voluntary Surrender not received

		Recused: DeVita and Tocco (not present for vote or discussion) Approved
9	PHA-2011-0033 Page E. Windward PT 12926	Motion Trifone/Walczyk to issue <i>Temporary Order of Summary Suspension</i> if Voluntary Surrender not received Recused: DeVita and Tocco (not present for vote or discussion) Approved
10 Follow-up from previous meeting	PHA-2010-0197 CVS 2325 DS2850 PHA-2011-0012 Melissa J. Goulet PH25820 PHA-2011-0013 Adalgisa A. Knight PT2701	Motion Ryle/Trifone to Dismiss – No Violation Recused: DeVita and Tocco (not present for vote or discussion) Approved Motion Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused: DeVita and Tocco (not present for vote or discussion) Approved Motion Walczyk/Ryle to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused: DeVita and Tocco (not present for vote or discussion) Approved
11 Follow-up from previous meeting	PHA-2010-0182 CVS 736 DS 1039 PHA-2011-0007 Michael K. Wynne PH17353	Motion Trifone/Walczyk to Dismiss with Advisory Letter Recused: DeVita and Tocco (not present for vote or discussion) Approved Motion Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused: DeVita and Tocco (not present for vote or discussion) Approved
12	PHA-2010-0137 CVS 703 DS24412 PHA-2010-0199 Ange Sibially PH27285	Motion Ryle/Trifone to Dismiss with Advisory Letter Approved Motion Ryle/Cayer to Dismiss with Advisory Letter with conditions related to CE deficiencies Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
13 Continuing	PHA-2010-0137 CVS 703	Motion Pasedis/Ryle to Dismiss with Advisory Letter

discussion from previous meeting	DS24412 PHA-2010-0001 Ange F. Sibailly PH27285	Recused Tocco/DeVita (not present in meeting for discussion or vote) Approved Motion Ryle/Trifone to Dismiss with Advisory Letter and 2 CEs in Medication Error Prevention Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
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6. 9:55 a.m. **LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL**
Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 18- Review and Discussion of Complaints and Other Matters: Closed Session

Matters of **Gerald L. Liberfarb, R.Ph.** and **Bourne Pharmacy** (Complaint Nos. PH-06-011 and DS-06-074) – Update provided re: appeal.

9:55 a.m. **Motion** Trifone/Accetta to move into closed session. **Approved**

10:45 a.m. **Motion** Walczyk/Trifone to end closed session. **Approved**

Reinstatement Inquiry (e-mails dated February 4 and 7, 2011)

Matters of **Margolis Pharmacy** - Docket Nos. DS-07-063

PHA 2010 0010

Steven A. Shraiar - Docket Nos. PH-07-023

PHA-2010-0009

Other docket nos. prior dates

Board reviewed the above-referenced complaints involving Steven Shraiar's personal registration, which resulted in Board orders of revocation in 1983, probation in 2008, and revocation in 2010, as well as the complaint history of the pharmacy he owned and operated commencing in 2000 (surrendered 2010), the Board determined that NO conditions exist pursuant to which the Board would favorably consider an application to again license him as a pharmacist in the Commonwealth, particularly following the Board's two prior revocation orders, at any time in the future.

Matters of **Gerald L. Liberfarb, R.Ph.** and **Bourne Pharmacy**
Complaint Nos. PH-06-011 and DS-06-074 – appeal update.

7. 10:30 a.m. **DISCUSSION** - Draft Policy related to Reinstatement Applications

- Dir. Coffey provided overview. Board will discuss at future Board meeting.

8. 11:00 a.m. **INVESTIGATIVE CONFERENCE**

Complaint Nos. PHA20100166 - Tura's Pharmacy, Kingston (DS8420)

PHA20100221 - Paul A. Tura, R.Ph. (PH16196)

PHA20110006 - Pamela J. Reed, Pharmacy Technician (PT7552)

Complaint alleges Tura Pharmacy failed to properly fill a geriatric prescription for Oxybutynin 5mg. on September 22, 2009.

Appearance: Paul A. Tura, R.Ph., Co-Owner; Donald Gibson, Esq., patient's representative (daughter) and Pamela Reed, Pharmacy Technician

Investigator: William E. Frisch, Jr., R.Ph.

PHA-2010-0221 Paul Tura PH16196	Motion Pasedis/DeVita to Dismiss with Advisory Letter and 5 live CEs, with 3 hours related to medication error prevention and 2 hours law (may not be used for license renewal) Approved
PHA-2010-0166 Tura's Pharmacy DS8420	Motion Trifone/DeVita to propose Reprimand with Conditions (implement barcode technology, add "shelf talkers" and include NDC# and description on labels) Approved
PHA-2011-0006 Pamela Reed PT7552	Motion DeVita/Pasedis to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Approved

9. 12:00 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
INTEGRATED MEDICAL SYSTEMS, INC.
Proposed: 85 Flagship Drive, Unit G, North Andover, Massachusetts

Present: Designated Representative and Regional Director – David Gordon;
Director of New Business Development – Michael Donahue

Applicant for wholesale licensure proposes to distribute Schedule VI controlled Substances.

Motion Tocco/Pasedis to approve application pending compliant inspection.
Approved

10. 12:15 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

COMPARE QUALITY PHARMACY INC.
Proposed: 664 East Main Street, Worcester, Massachusetts

Present: Proposed Manager Marcia D. Codling, R.Ph., Alexander Maydan, V.P.
and Atty. Paul M. Garbarini, R.Ph.

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Motion DeVita/Pasedis to approve application pending compliant inspection.
Approved

11. 12: 45 p.m. FLEX DISCUSSION

A. NEW BUSINESS

Applications and Petitions

- 1) **Monica Leanne Miles** – Reciprocal Pharmacist
Motion Pasedis/Tocco to approve application
Recused: Trifone (not present for vote or discussion)
Approved
- 2) **Ali Salehmohamed** – Pharmacy Intern
Motion DeVita/Pasedis to approve application
Approved
- 3) **Mayra A. Ventura** – Pharmacy Technician
Motion Trifone/DeVita to approve application but issue registration with *Reprimand* for unlicensed practice and completion of 2 law CEs.
Approved
- 4) **Michelle Anne LeBlanc** – Pharmacy Technician
Motion DeVita/Tocco to approve application
Approved

1:00 p.m. DeVita and Tocco exit meeting

- 5) **Patricia A. Row** – Pharmacy Technician
Motion Trifone/Pasedis to approve application
Approved
- 6) **Shaun Hammond, R.Ph.** – Docket No. PHA-2009-0196
Petition to terminate suspension.
Motion Pasedis/Trifone to terminate suspension and place on probation
Approved

12. 1:10 p.m. REPORT OF OFFICE OF INVESTIGATIONS - Continued

13	PHA-2010-0138 CVS 632 DS24183	Motion Trifone/Walczyk to Dismiss – No Violation Approved
	PHA-2010-0172 Roberta O’Leary PH15447	Motion Trifone/Walczyk to propose Reprimand and MPJE for CE deficiencies Approved
14	SA-INV-1475 CVS 2200 DS2767	Motion Trifone/Walczyk to Dismiss – No Violation Approved
	PHA-2010-0147 Roderick B. Mackay PH13354	Motion Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Approved

	PHA-2010-0146 Samantha Anne Ruth PT10543	Motion Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Approved
15	PHA-2010-0089 CVS 1871 DS3286 PHA-2010-0155 Michelle Monson PT7484 PHA-2010-0156 Maryam Kermani PH23281	Motion Trifone/Walczyk to Dismiss – No Violation Approved Motion Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Approved Motion Walczyk/Trifone Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Approved
16	SA-INV-1474 CVS 2054 DS2588 PHA-2011- 0041 Natalia Kaplan PH23418	Motion Walczyk/Pasedis to Dismiss – No Violation Approved Motion Pasedis/Trifone to Dismiss with Advisory Letter and 6 Law CEs for CE deficiencies Approved
17	SA-INV-1478 CVS 1206 DS2033	Motion Walczyk/Trifone to Dismiss– Insufficient Evidence Approved

13. 1:45 p.m. DISCUSSION

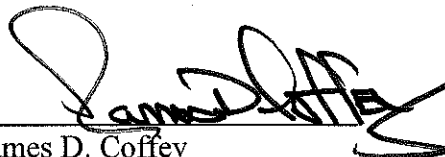
October 2011 NABP/AACP District I & II Annual Meeting to be hosted by
Massachusetts: Follow up Re Prospective Speakers for the District I & II Meeting.

Rescheduled to later date

14. 2:30 p.m. ADJOURNMENT

Motion Trifone/Pasedis to adjourn meeting. **Approved**

Respectfully submitted by:


James D. Coffey
Director
Date:

Board approved: July 12, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
FEBRUARY 8, 2011
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18A (Adjudicatory)

9:55 a.m **Motion** Trifone/Accetta to move into Closed Session. Approved

Matter of **Thomas D. Dunn**, R.Ph. (License No. 19314/Complaint Nos. PH-05-117 and PH-98-001 (Voluntary Surrender Agreement 11/5/05)

Board reviewed January 26, 2011 inquiry and two prior complaints involving practice as a pharmacist in the Commonwealth (Docket Nos. PH-05-112 and PH-98-001). Board to advise that complaint history and particular medical profile indicate it not would be in the best interest of the public health and welfare to again be licensed as a pharmacist in the Commonwealth.

Matter of **Ralph F. Mastriano**, R.Ph. (PH 19070) - Complaint No. PH-08-027

Board reviewed letter from Atty. Garbarini requesting change to Consent Agreement terms. Board declined to revise terms.

Matter of **Peter A. Grujich** - Pharmacist Reciprocal Licensure
Motion Trifone/Accetta to approve application.
Approved

Matter of **Joseph Gagnon**, R.Ph. (PH20659/Exp. 12/31/04)
Voluntary Surrender Agreement (Effective Date: November 14, 2005)
Complaint Nos. PH-03-063, PH-05-131 and PH-96-091

Board reviewed January 21, 2011 inquiry regarding pharmacist license reinstatement following the surrender of license. Board to advise that complaint history does not indicate that it would be in the best interest of the public health and welfare to again be licensed as a pharmacist in the Commonwealth

Samuel Penta, Supervising Investigator – Updates

Matter of **Toni Joy Burke** (PH2586) – Docket No. PHA-2009-0190

Board reviewed complaint and *Surrender Statement* (11/13/09).
Motion Pasedis/Tocco to accept surrender and advise no application review prior to five years from surrender (11/17/09) and no conditions envisioned for relicensure.
Approved

Matter of **Nicole A. Bombardier** (PH26088)- Docket Nos. PHA-2009-0130 and 20080916-PH-039

Board reviewed complaint and *Surrender Statement* (10/5/08).

Motion DeVita/Pasedis to accept surrender and advise no application review prior to five years from surrender (10/05/08) and no conditions envisioned for relicensure.

Approved

Matter of **Jake P. Nichols**, R.Ph. (PH24752) – Docket No. PHA-2010-0050

Board reviewed complaint and *Surrender Statement* (4/1/2010).

Motion Accetta/Pasedis to refer file to Office of Prosecutions with information updated regarding pending court matters.

10:45 a.m **Motion** Walczyk/Trifone to end Closed Session. **Approved**